

## EXHIBIT D

REESE, ET AL v. CNH GLOBAL N.V., ET AL

SCOTT MACEY

January 15, 2014

*Prepared for you by*

  
NATIONWIDE COURT REPORTING & VIDEO

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1 you want to talk to your counsel, that's fine. I'd  
2 ask that you wait -- if there's a question pending,  
3 that you wait until you answer the question before  
4 doing so.

5 A (Nods head.)

6 Q Mr. Macey, are you here pursuant to a  
7 Subpoena?

8 A I guess -- I actually -- I personally never  
9 received a subpoena, and counsel indicated that you  
10 wanted to take my deposition, and we offered certain  
11 dates, and this was one of the dates. And I was told  
12 last week that you all had agreed to today, and that's  
13 why I'm here.

14 Q So you haven't seen any documentation asking  
15 you to be here?

16 A Not to my recollection.

17 (Exhibit 11 was marked for identification  
18 and was attached to the transcript.)

19 BY MR. RADTKE:

20 Q You've been handed a document that's been  
21 marked Macey Deposition 11, the Re-Notice of  
22 Deposition for Scott Macey and it's a Duces Tecum  
23 Notice.

24 Have you seen this document previously?

25 A Not to my recollection, no.

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1 Q In the Re-Notice of Deposition there is a  
2 request for documents.

3 Have you brought any documents today?

4 A I have not.

5 MR. RADTKE: Joshua, are you going to  
6 provide any documents responsive to this?

7 MR. ROGACZEWSKI: I'll represent that there  
8 are no documents responsive. We have not received an  
9 additional bill from Mr. Macey in addition to the ones  
10 that have been produced, and as well as there are  
11 no -- Mr. Macey has no additional documents responsive  
12 to the Subpoena that he has not already produced.

13 MR. RADTKE: Okay.

14 MR. ROGACZEWSKI: I mean, that's --  
15 there's -- that's why nothing is being produced.

16 MR. RADTKE: All right. Okay. Thank you.

17 And just before we get started, I just want  
18 to put something on the record, which is -- and I'm  
19 not sure if you're aware of this. But there are some  
20 documents that were requested by the Plaintiffs in  
21 this case that are the subject of a Motion to Compel  
22 Production of Documents; that Motion is pending in the  
23 United States District Court for the Eastern District  
24 of Michigan. And if the Motion to Compel is granted  
25 and additional documents are required to be produced,

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1 we would reserve the right to take your deposition as  
2 it relates to additional documents that are being  
3 produced. Okay?

4 MR. ROGACZEWSKI: And that compels me to say  
5 that of course we reserve the right to oppose those  
6 attempts, and depending on what happens, we -- you  
7 know, we'll do what is within our power under the  
8 Rules as well.

9 BY MR. RADTKE:

10 Q Mr. Macey, what is your home address?

11 A 11 Sugar Mill Road, that's three words  
12 counting "Road," Hillsborough,  
13 H-I-L-L-S-B-O-R-O-U-G-H, New Jersey, 08844.

14 Q And how long have you lived at that address?

15 A Oh, 25 years or more.

16 Q Are you currently employed?

17 A I am.

18 Q And by whom are you employed?

19 A The ERISA Industry Committee, otherwise  
20 known as ERIC.

21 Q What is your job title at ERIC?

22 A I'm President and Chief Executive Officer.

23 Q How long have you held that position?

24 A Approximately 18 months -- 19 months.

25 Approximately 19 months.

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1 possible. I don't think that's the -- just the normal  
2 issue. I don't think there's an inherent tension.

3 Q If there is a tension, ERIC is going to  
4 advocate on behalf of its members over the interests  
5 of anyone who isn't a member, correct?

6 A Oh, that's true. There are times where we  
7 stand down, where we say, well, let's -- you know,  
8 let's stand by, let's not get involved in this issue.

9 Q Well, what I'm asking is a little different  
10 than that.

11 What I'm asking is, if there is an issue  
12 that could negatively impact employees or retirees  
13 that ERIC's members want to see happen, that ERIC will  
14 advocate on behalf of what its members want?

15 A Not --

16 MR. ROGACZEWSKI: Object to form.

17 A Not automatically. If -- you know, we have  
18 a -- an Executive Committee, we have a Board of  
19 Directors, we have influential members, and, you know,  
20 there could be situations where, you know, we don't  
21 want to do something on behalf of some members that  
22 might aggravate another set of members, either because  
23 of sensitivity to the issues or, even though it might  
24 benefit some companies, they don't think it's a good  
25 position to take, or something like that. So